REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1, 8, 16 and 24 have been amended as set forth above.

Claims 1-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 7,065,778 ("Lu") in view of United States Patent No. 6,601,087 ("Zhu") and United States Patent No. 7,055,104 ("Billmaier"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following:

I.   The Proposed Combination Of Lu, Zhu And Billmaier Does Not Render Claims 1-31 Unpatentable

If a *prima facie* case of obviousness is not established, the Applicants are under no obligation to submit evidence of nonobviousness.

> The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

A.   Lu Does Not Teach Or Suggest Server Software That Maintains A User Defined Association Of The First And Second Network Protocol Addresses

Claim 1 recites, in part, "a first network protocol address **with respect to a first user in the first home**; . . . a second network protocol address **with respect to a second user in the second home [that is separate and distinct from the first home], wherein the second user is known to the first user**; . . . server software that maintains a <u>**user defined**</u> **association of the first and second network protocol addresses** and that receives a request identifying one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery...."

Claim 8 recites, in part, "a first storage in a first home that stores the media, and having a

first network protocol address **with respect to a first user in the first home**; a second television

display at a second home that is separate and distinct from the first home, and having a second

network protocol address **with respect to a second user in the second home, wherein the**

second user is known to the first user; . . . server software that maintains a <u>user defined</u>

<u>association of the first, second and third network protocol addresses</u> and that receives a

request identifying the associated first network protocol address and responds by identifying the

associated second and third network protocol addresses to support delivery...."

Lu "relates to the field of utilizing personalized video recorders and other similar types of

devices to distribute television programming." *See* Lu at column 1, lines 7-11. In particular, Lu

discloses a system in which a user is able to record a show that is transmitted in another

broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

> Specifically, personalized video recorder 200 is coupled to the
> Internet 302 such that it can receive an electronic programming
> guide (EPG) containing worldwide television programming from
> an EPG server computer 304. The user of personalized video
> recorder 200 utilizes the EPG to request delivery of a specific
> television show that may not be available to him or her. Upon
> reception of the request from personalized video recorder 200,
> EPG server computer 304 locates via Internet 302 one or more
> personalized video recorders... situated within a broadcast region
> of the requested television show. Subsequently, EPG server
> computer 304 programs one or more personalized video
> recorders... to record the requested television show when it is
> broadcast by a television content provider.... Once the
> personalized video recorders... record the television show, one or
> more of the personalized video recorders may transmit it to EPG
> server computer 304 which then transmits it to the requested
> personalized video recorder 200. In this manner, the present
> embodiment enables personalized video recorder 200 to order and

> receive specific television shows that are unavailable from its
> television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest, however, "a first network protocol address **with respect to a first user in the first home**; . . . a second network protocol address **with respect to a second user in the second home [that is separate and distinct from the first home],** wherein the second user is known to the first user;** . . . server software that maintains a <u>user defined</u> association of the first and second network protocol addresses** and that receives a request identifying one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support deliver," as recited in claim 1, or "a first storage in a first home that stores the media, and having a first network protocol address **with respect to a first user in the first home**; a second television display at a second home, and having a second network protocol address **with respect to a second user in the second home, wherein the second user is known to the first user;** . . . server software that maintains a <u>**user defined**</u> **association of the first, second and third network protocol addresses** and that receives a request identifying the associated first network protocol address and responds by identifying the associated second and third network protocol addresses to support delivery," as recited in claim 8. Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR, which is not associated with the requesting PVR in any way, in a particular

broadcast area to record the show for the requesting PVR.

Nevertheless, the Office Action continues to cite Lu **only at column 6, lines 54-58** as

disclosing "server software that maintains a user defined association of the first and second

network addresses." *See* February 4, 2008 Office Action at pages 3 and 6. This portion of Lu

states, however, the following:

> **Once** the personalized video recorders (e.g., 200A and 200B)
> record the television show, one or more of the personalized video
> recorders may **transmit it** to EPG server computer 304 which then
> **transmits it** to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. Thus, Lu makes clear that the arbitrarily assigned PVR records the

show. The recorded show is then sent to the EPG server. After the EPG server receives the

recorded show, it then sends it to the requesting PVR.

Overall, this portion of Lu merely indicates that a recorder requests a show, and then the

EPG arbitrarily finds another recorder in a broadcast area to record the show for the requesting

recorder. This portion of Lu does not indicate that a user defines an association between first and

second network addresses [with respect to users that are known to one another], or that a server

maintains that **user defined association.** In general, there is nothing in this cited portion, nor

the remainder, of Lu that describes, teaches or suggests "server software that **maintains a** <u>user

defined</u> association of the first and second network protocol addresses [with respect to two

users that are known to one another],"** as recited in claim 1, or "server software that

**maintains a user defined association of the first, second and third network protocol

addresses [with respect to users that know one another],"** as recited in claim 8. Thus, for at

least these reasons, the Office Action has not established a *prima facie* case of anticipation with

respect to claims 1-15. Indeed, these claims are allowable over the cited art.

In response to the Applicants, the Office Action contends the following:

> Applicant argues that Lu does not describe, teach or suggest
> "server software that maintains a **user defined** association of the
> first and second network addresses [sic]
>
> In response to applicant's argument, in **Col 6, lines 54-58 of Lu**,
> PVR 200A is used to record desired TV shows requested by user
> from PVR 200, and once PVR 200A record the TV show, PVR
> 200A transmits the TV show to the EGP server 304, which then
> transmits the TV show to the requested PVR 200; the association
> of PVR 200 and PVR 200A is made when PVR 200A is identified
> to record the user desired program, and the server must maintain
> the association of the network address of PVR 200 and 200A for
> media transfer. When the user requests a desired TV show, and the
> system is making the association of PVR 200 and PVR 200A
> based on user's request, the association of PVR 200 and 200A is
> **defined by the user**. The Examiner is rejecting claim language
> with its broadest interpretation of the scope of the claims.
> **Applicant may specify the difference in details to overcome the
> rejection.**

February 4, 2008 Office Action at pages 3-4 (emphasis added). Notably, the Office Action states

that the "Applicant may specify the difference in details to overcome the rejection," which seems

to indicate that the Examiner acknowledges that the application includes patentable subject

matter. As such, **the Applicants invite the Examiner to contact the undersigned attorney to**

discuss potential amendments that the Examiner believes will lead to an allowance, as the

MPEP encourages. *See* MPEP at § 2173.02 ("Examiners are encouraged to suggest claim

language to applicants to improve the clarity or precision of the language used, but should not

reject claims or insist on their own preferences if other modes of expression selected by

applicants satisfy the statutory requirement.").

However, the portion of Lu relied on by the Office Action, namely Lu at column 6, lines

54-58, does not describe, teach or suggest "server software that **maintains a <u>user defined</u>**

association of the first and second network protocol addresses," as recited in claim 1, or

"server software that **maintains a <u>user defined</u> association of the first, second and third**

protocol addresses," as recited in claim 8. Again, Lu merely describes a system in which an out

of area recorder requests a recording, at which point the EPG **arbitrarily** finds a recorder within

that broadcast are to record the show for the requestor. Even if one assumes there is an

"association" between the two recorders, <u>such association is arbitrarily determined by the</u>

<u>EPG,</u> but is clearly not "user defined." Thus, for at least these reasons, the Applicants

respectfully request reconsideration of the claim rejections.

Additionally, the Office Action cites Lu only **at column 6, lines 45-50** as disclosing

"respond[ing to a request that identifies one of the associated first and second protocol addresses]

by identifying the other of the associated first and second network addresses" *See* February 4,

2008 Office Action at page 7. This portion of Lu states, however, the following:

> Upon reception of the request from personalized video recorder
> 200, EPG server computer **locates** via Internet 302 one or more
> personalized video recorders (e.g., 200A and/or 200B) situated
> within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The "request" mentioned in this passage is a "request [for]

delivery of a specific television show that may not be available to him or her." *See id.* at column

6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server "locates

one or more personalized video recorders situated within a broadcast region of the requested

television show." Arbitrary location of a recorder within a particular broadcast region in

response to a request for delivery of a particular television show is not a response to a request

that identifies one of the associated first and second network addresses that "identif[ies] the other

of the associated first and second network addresses to support delivery," as recited in claim 1, for example.

As discussed at length above, Lu simply does not describe, teach, or suggest "server software that **maintains a <u>user defined</u> association of the first and second network protocol addresses [with respect to two users that are known to one another] and that receives a request** identifying one of the associated first and second network protocol addresses and **responds by identifying the other of the associated first and second network protocol addresses** to support delivery," as recited in claim 1, or "server software that **maintains a <u>user defined</u> association of the first, second and third network protocol addresses [with respect to three users that are known to one another] and that receives a request** identifying the associated first network protocol address and **responds by identifying the associated second and third network protocol addresses** to support delivery," as recited in claim 8. As shown below, however, there is nothing in the portions of Lu that the Office Action relies on that describes, teaches or suggests the relevant claim limitations.

The Applicants respectfully submit that Lu does not describe, teach or suggest the limitations of claims 1 and 8 noted above. Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to claims 1-15.

B.   The Office Action Does Not Demonstrate How Zhu Overcomes The Deficiencies Of Lu

The Office Action acknowledges that Lu does not teach "simultaneous consumption by the first and second displays under control of a user at the first home," as recited in claim 1, for example. *See* February 4, 2008 Office Action at page 7. The Office Action also acknowledges that Lu "does not teach a third television display at a third home, and having an associated third

network protocol address, and concurrent consumption from the first storage to the second and

third displays under control of a user at the first home," as recited in claim 8. *See* February 4,

2008 Office Action at page 12.. Additionally, the Office Action acknowledges that "Lu does not

teach simultaneous consumption by the first and second displays under control of a user at the

first home," as recited in claim 16. *See* February 4, 2008 Office Action at page 16. The Office

Action also acknowledges that "Lu does not teach simultaneous/concurrent consumption by the

first and second displays under control of a user at the first home," as recited in claim 24. *See*

February 4, 2008 Office Action at page 18.

　　In order to overcome these deficiencies, the Office Action cites Zhu, which relates to

"data conferencing." *See* February 4, 2008 Office Action at pages 7, 12, 16 and 19.

Specifically, the Office Action cites Zhu **only at column 6, lines 43-56 and column 12, lines 8-**

13. *See id.* at pages 4, 7, 12, 16 and 19. The first portion of Zhu relied on by the Office Action

states the following:

> A user of document sharing application 210A selects a file editing
> application to view in step 902. In response, the file editing
> application is invoked, generating an application screen 802, as
> shown in step 904. Document sharing application 210A causes
> application screen 802 to be sent to virtual display driver 504,
> thereby generating a shared screen 508 as shown in step 906. The
> shared screen is passed back to document sharing application
> 210A, which sends the shared screen to server 102 in step 908.
> Server 102 distributes the shared screen to the other clients in the
> data conference in step 910. In step 912, the other clients in the
> data conference, such as the client running document sharing
> application 210B, display the shared screen using viewer
> application 308.

Zhu at column 6, lines 43-56.

　　As shown above, there is nothing in this passage of Zhu that teaches or suggests

"simultaneous consumption by the first and second television displays **under control of a user at the first home**," as recited, for example, in claim 1 of the present application. Instead, this portion of Zhu merely discloses shared document viewing in which one of the clients is running the application, **but not controlling consumption from a first home**.

The next portion of Zhu relied upon by the Office Action states the following:

> a second viewer application configured to display the shared screen on a second display device attached to the local computer, the shared screen being simultaneously displayed on the first display device and the second display device during the live data conference.

Id. at column 12, lines 8-13. Again, however, this portion of Zhu merely indicates that a shared screen is displayed on first and second display devices during a live data conference. It does not describe, teach or suggest "simultaneous consumption by the first and second television displays **under control** of a user at the **first home**," as recited, for example, in claim 1 of the present application.

The Office Action asserts that Zhu's use of the word "invoked" shows control by a user at a first home. *See* February 4, 2008 Office Action at pages 7, 12, 16 and 19 ("Zhu teaches simultaneous consumption... under control of a user at the first home (Col 6 lines 43-56, user invokes shared screen to be displayed on other clients)").

Zhu's use of the word "invoked," as shown above at column 6, lines 43-56, however, merely means that the file application **is initiated after it is selected**. Indeed, Zhu also states that the "present invention is usually **invoked** after a data conference has been established." *See* Zhu at column 3, lines 38-39 (emphasis added). **Zhu's use of the word "invoked" merely means that something is initiated, not that it is "under control of a user at the first home."**

Thus, for at least these reasons, the Office Action has not established a prima facie case of obviousness with respect to the pending claims.

The Office Action responds to the Applicants as follows:

> [The Applicants argue that] Lu and Zhu does not teach simultaneous/concurrent consumption by the first and second television display under control of a user at the first home....
>
> In response to applicant's argument, Zhu teaches simultaneous consumption by the first and second displays (Col 6 lines 43-56, Col 12, lines 8-13 shared screen being simultaneously displayed on the first display device and second display device) under control of a user at the first home (Col 6 lines 43-56, application is invoked to display shared screen on the other clients by the user). The Examiner alleged "invoking an application to display shared screen on the other client" at PVR 200A corresponds to "under control of a user at the first home". The applicant also argue "invoked to display" means to "initiate" and is not the same as "controlling". However, initiating could also be an example of controlling, so "invoked" reads on the action of "control" as claimed.

February 4, 2008 Office Action at page 4.

As shown above, the Office Action merely reiterates the reasoning and citations that the Applicants previously addressed. Further, the Office Action indicates that "initiating could also be an example of controlling," without providing any support for what appears to be an equivocal guess. As such, the Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness with respect to the pending claims for at least the reasons discussed above.

Additionally, the Office Action continues to maintain that "invoking" (i.e., initiating) "an application to display shared screen on other client" is the same as "under control of a user at the first home." As discussed above, however, this broad conclusory statement is wholly unsupported by the particular cited portions of Zhu, in particular, and by the proposed

combination of Lu, Zhu and Billmaier in general. Further, such a conclusory statement is unsupported by the plain and ordinary meaning of the word "invoke." The definition of "invoke" is set forth below:

> 1a: to petition for help or support   b: to appeal to or cite as authority 2: to call forth by incantation: CONJURE 3: to make an earnest request for: SOLICIT 4: to put into effect or operation: IMPLEMENT 5: BRING ABOUT, CAUSE

See Webster's Collegiate Dictionary, 10th Edition, page 616. As shown above, there is nothing in the plain and ordinary meaning of the word "invoked" that necessarily relates to "control." While something may be caused, brought about, or implemented if it is "invoked," it is not necessarily controlled, nor is there anything in Zhu that would lead one to conclude that such use means "control." Further, the use of "invoke" in Zhu clearly does not describe, teach or suggest "simultaneous consumption by the first and second television displays <u>under</u> <u>control</u> of a user at the <u>first home</u>."

Claims 1 and 8 recite, in part, "concurrent consumption under control of a user at the first home," while claims 16 recites, in part, "the first and second television displays under control of a user at the first home." Further, claim 24 recites, in part, "concurrent consumption of the media at a first television display at the first home and the second television display under control of a user at the first home." For at least the reasons discussed above, the Office Action has not established a *prima facie* case of obviousness with respect to claims 1-31.

III.   Conclusion

As noted above, the Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to any of the pending claims. If, however, the Examiner intends to maintain these rejections, **the Applicants respectfully**

request an interview with the Examiner and his supervisor before a Final Office Action is mailed.

In general, the Office Action makes various statements regarding claims 1-31 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness with respect to any of the pending claims for at least the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. **Nevertheless, the Applicants invite the Examiner to contact the undersigned attorney to discuss potential amendments that will lead to an allowance in order to avoid an appeal to the Board of Patent Appeals and Interferences.** If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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